



ROANOKE CITY COUNCIL WESTERN VIRGINIA WATER AUTHORITY OCTOBER 8, 2015

9:00 A.M.

CITY COUNCIL CHAMBER ROOM 450

AGENDA

Call to Order -- Roll Call

Welcome. Mayor David A. Bowers.

NOTICE

This morning meeting and briefings will be televised live and replayed on RVTV Channel 3 on Saturday, October 10 at 4:00 p.m. and Sunday, October 11 at 4:00 p.m.; and video streamed by internet through Rev.Net Technologies, Inc., at http://www.wrev.net. Council Meetings are offered with closed captioning for the hearing impaired.

- 1. Call to Order -- Roll Call.
 - City Council
 - Western Virginia Water Authority
- 2. Welcome and Opening Remarks.
 - Mayor David A. Bowers
 - · Chairman Harvey D. Brookins, Jr.

- 3. Comments by Council/Authority Members.
- 4. Recess/Adjourn.

ITEMS FOR ACTION:

A communication from Mayor David A. Bowers requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. A list of current vacancies is included with the agenda for this meeting.

P 9

A communication from Mayor David A. Bowers requesting that Council convene in a Closed Meeting to discuss the 2015 Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

P 11

A communication from the City Attorney requesting that Council convene in a Closed Meeting for consultation with legal counsel pertaining to actual litigation, where discussion in an open meeting would adversely affect the negotiating or litigating posture of the public body, pursuant to Section 2.2- 3711(A)(7), Code of Virginia (1950), as amended.

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ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION AND ADDITIONS/DELETIONS TO THE 2:00 P.M. AGENDA. (5 MINUTES)

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL. (5 MINUTES)

Recess.

Legislative Committee meeting scheduled for 10:00 a.m., in the Council Chamber.

Reconvene.

BRIEFINGS:

Healthy Roanoke Valley Program
 Police Regional Crash Assistance Center
 30 minutes
 30 minutes

THE COUNCIL MEETING WILL STAND IN RECESS UNTIL 2:00 P.M., FOR A CLOSED MEETING IN THE COUNCIL'S CONFERENCE ROOM, ROOM 451, NOEL C. TAYLOR MUNICIPAL BUILDING.



ROANOKE CITY COUNCIL REGULAR SESSION

OCTOBER 8, 2015 2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Maurita J. Wiggins, Pastor, Valley Community Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor David A. Bowers.

Welcome. Mayor Bowers.

NOTICE:

Today's Council meeting will be televised live and replayed on RVTV Channel 3 on Saturday, October 10 at 4:00 p.m. and Sunday, October 11 at 4:00 p.m.; and video streamed by internet through Rev.Net Technologies, Inc., at http://www.wrev.net. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT <u>WWW.ROANOKEVA.GOV</u>, CLICK ON THE GOVERNMENT ICON.

NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT. SPECIAL ASSISTANCE IS AVAILABLE FOR DISABLED PERSONS ADDRESSING CITY COUNCIL. EFFORTS WILL BE MADE TO PROVIDE ADAPTATIONS OR ACCOMMODATIONS BASED ON INDIVIDUAL NEEDS OF QUALIFIED INDIVIDUALS WITH DISABILITIES, PROVIDED THAT REASONABLE ADVANCE NOTIFICATION HAS BEEN RECEIVED BY THE CITY CLERK'S OFFICE.

PERSONS WISHING TO ADDRESS COUNCIL WILL BE REQUIRED TO CONTACT THE CITY CLERK'S OFFICE PRIOR TO THE THURSDAY COUNCIL MEETING, OR REGISTER WITH THE STAFF ASSISTANT AT THE ENTRANCE TO THE COUNCIL CHAMBER PRIOR TO COMMENCEMENT OF THE COUNCIL MEETING. ONCE THE COUNCIL MEETING HAS CONVENED, THERE WILL BE NO FURTHER REGISTRATION OF SPEAKERS, EXCEPT FOR PUBLIC HEARING MATTERS. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH; HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL-APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE MAY CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE TO COMPLETE AN ONLINE APPLICATION.

THE COUNCIL OF THE CITY OF ROANOKE IS SEEKING APPLICATIONS FOR THE FOLLOWING CURRENT VACANCIES AND/OR UPCOMING EXPIRATIONS OF TERMS OF OFFICE:

ARCHITECTURAL REVIEW BOARD (REGISTERED ARCHITECT) – ONE VACANCY
FOUR-YEAR TERM OF OFFICE ENDING OCTOBER 1, 2019

BUILDING AND FIRE CODE OF APPEALS/AT-LARGE – TWO VACANCIES UNEXPIRED TERM OF OFFICE ENDING JUNE 30, 2016 THREE-YEAR TERM OF OFFICE ENDING JUNE 30, 2018

CITY OF ROANOKE FINANCE BOARD – ONE VACANCY UNEXPIRED TERM OF OFFICE ENDING JUNE 30, 2016

ECONOMIC DEVELOPMENT AUTHORITY – ONE VACANCY UNEXPIRED TERM OF OFFICE ENDING OCTOBER 20, 2017

HUMAN SERVICES ADVISORY BOARD – THREE VACANCIES (TWO) UNEXPIRED TERMS OF OFFICE ENDING NOVEMBER 30, 2016 AND NOVEMBER 30, 2018

THREE-YEAR TERM OF OFFICE ENDING NOVEMBER 30, 2018

PARKS AND RECREATION ADVISORY BOARD UNEXPIRED TERM OF OFFICE ENDING MARCH 31, 2016

TOWING ADVISORY BOARD – THREE VACANCIES
THREE-YEAR TERMS OF OFFICE ENDING OCTOBER 31, 2018

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A resolution memorializing the late Robert H. Bird, former Municipal Auditor, for the City of Roanoke.

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A Proclamation declaring October 2015 as Arts and Humanities Month.

A Proclamation declaring October 2015 as Mill Mountain Month.

Recognition of the City's Office of Communications for receiving the 3CMA SAVVY Award for social media.

3. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. ALL MATTERS WILL BE REFERRED TO THE CITY MANAGER FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL, AS HE MAY DEEM APPROPRIATE.

4. <u>CONSENT AGENDA</u>

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meetings of Council held on Monday, March 2, 2015; Monday, August 17, 2015; Tuesday, September 8, 2015; and Monday, September 21, 2015.

RECOMMENDED ACTION: Dispense with the reading of the minutes and

approve as recorded.

C-2 A communication from the City Attorney requesting that Council schedule a public hearing for Monday, October 19, 2015, at 7:00 p.m., or as soon thereafter as the matter may be heard, or at such later day and time as the City Manager may determine, regarding the vacation of a drainage easement previously dedicated to the City across Official Tax Map Nos. 5100534 and 5100535 in support of the Gatewood Green Development project.

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RECOMMENDED ACTION: Concur in the request.

C-3 A communication from the City Attorney requesting that Council schedule a public hearing for Monday, October 19, 2015, at 7:00 p.m., or as soon thereafter as the matter may be heard, or at such later day and time as the City Manager may determine, regarding the conveyance of easements across portions of City-owned property designated as Official Tax Map Nos. 2050402, 2050305, 2050306, and 2050307, to the Commonwealth of Virginia, Department of Transportation, in support of the 10th Street Improvement Project.

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RECOMMENDED ACTION: Concur in the request.

REGULAR AGENDA

5. PUBLIC HEARINGS: NONE.

6. PETITIONS AND COMMUNICATIONS:

a. A communication from the Honorable Timothy Allen, City Sheriff, requesting acceptance of the State Criminal Alien Assistance Program (SCAAP) Reimbursement Grant from the Bureau of Justice Assistance Office in conjunction with the U. S. Department of Homeland Security to partially fund the purchase of a new inmate transport vehicle; and a communication from the City Manager concurring in the request.

P 19 P 21 R 22 B/O 23

7. REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

a. CITY MANAGER:

BRIEFINGS:

City's Website Roll-out Demo - 30 minutes

ITEMS RECOMMENDED FOR ACTION:

1. Authorization for Virginia Department of Transportation Revenue Sharing Program funds.

P 24 R 26

2. Appropriation of funds for an electronic summons system in the Police Department.

P 28 B/O 30

3. Execution of Amendment No. 1 to the Contract for Purchase and Sale of Real Property dated February 28, 2014 between the City of Roanoke and Northwest Recreation Club, Inc., in order to change the project substantial completion date to July 29, 2016.

P 31 O 38

COMMENTS OF CITY MANAGER.

8. REPORTS OF COMMITTEES:

a. Report of City Council's Task Force on City Code amendments affecting the duties of the Director of Finance. Council Member Raphael E. Ferris, Chair.

P 41 O 43

- 9. UNFINISHED BUSINESS: NONE.
- 10. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

11. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

CERTIFICATION OF CLOSED MEETING.

12. RECESS.

THE COUNCIL MEETING WILL STAND IN RECESS UNTIL WEDNESDAY, OCTOBER 14, 2015 AT 8:30 A.M., IN THE TEEN CLASSROOM, MAIN LIBRARY, 706 S. JEFFERSON STREET, S. W., FOR THE ANNUAL STRATGEIC PLANNING WORK SESSION.



CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., SUITE 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

October 8, 2015

The Honorable Vice-Mayor David B. Trinkle and Members of the Roanoke City Council Roanoke, Virginia

Dear Vice-Mayor Trinkle and Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. A list of current vacancies is included with the agenda for this meeting.

Sincerely,

David A. Bowers

Mayor

DAB:ctw

COMMITTEE VACANCIES/REAPPOINTMENTS October 8, 2015 Public

VACANCIES:

Four-year term of office on the Building and Fire Code Board of Appeals ending June 30, 2019; and an unexpired term of office ending June 30, 2016.

Unexpired term of office on the Parks and Recreation Advisory Board ending March 31, 2016.

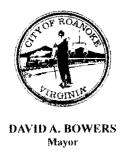
Four-year term of office on the Architectural Review Board (Registered Architect) ending October 1, 2019.

Three-year terms of office on the Towing Advisory Board ending October 31, 2018.

Three unexpired terms of office on the Human Services Advisory Board ending November 30, 2016 and November 30, 2018; and a three-year term of office ending November 30, 2018.

Unexpired term of office on the Economic Development Authority ending October 20, 2017.

Unexpired term of office on the City of Roanoke Finance Board ending and June 30, 2016.



CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., SUITE 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

October 8, 2015

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss the 2015 Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

Sincerely,

David A. Bowers

Mayor

DAB:ctw



CITY OF ROANOKE

OFFICE OF THE CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE 540-853-2431 FAX 540-853-1221 EMAIL: cityatty@roanokeva.gov Timothy R. Spencer
Steven J. Talevi
David L. Collins
Heather P. Ferguson
Laura M. Carini
Assistant City Attorneys

October 8, 2015

The Honorable David Bowers, Mayor and Members of City Council Roanoke, Virginia

Re: Request for Closed Meeting

Dear Mayor Bowers and Members of Council:

This letter is a request of the City Attorney for a closed meeting with City Council regarding consultation with the City Attorney and briefing by staff pertaining to actual litigation, where such consultation and briefing in open meeting would adversely affect the negotiating or litigating position of City Council. This request is made pursuant to Section 2.2-3711. A.7, Code of Virginia (1950), as amended.

Respectfully requested,

Daniel J. Callaghan City Attorney

DJC/lsc

(allohan

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION memorializing the late Robert Harold Bird, former Municipal Auditor for the City of Roanoke and longtime resident of Roanoke.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Bird on Wednesday, August 5, 2015;

WHEREAS, Mr. Bird was born on October 5, 1944, in Charleston, West Virginia to the late John Robert (JR) and Corlota Moore Bird;

WHEREAS, Mr. Bird began working for the City of Roanoke in September 1980 as a Programmer I in the City Information Systems (CIS) Department;

WHEREAS, in June 1981, Mr. Bird joined the Municipal Auditing Department as an auditor and, after one year, returned to CIS as a Quality Assurance Analyst;

WHEREAS, Mr. Bird held several positions in CIS and returned to Municipal Auditing in November 1986 as an EDP Auditor;

WHEREAS, in May 1987, Mr. Bird was promoted to Assistant Municipal Auditor and appointed to the position of Municipal Auditor in February 1991, after the retirement of Municipal Auditor William L. Brogan;

WHEREAS, Mr. Bird was a Certified Internal Auditor, a CISA-Certified Information Systems Auditor, a member of the Institute of Internal Auditors, and a charter member of the Virginia Local Government Auditors Association;

WHEREAS, after 21 years of service to the City, Mr. Bird retired as the Municipal Auditor for the City of Roanoke on September 28, 2001;

WHEREAS, Mr. Bird was a Scouter with Troop and Pack 5 of the Blue Ridge Mountains

Council for nearly 30 years, and proudly helped 17 Boy Scouts reach the rank of Eagle Scout;

WHEREAS, Mr. Bird worked for many years after retirement at Camp Ottari teaching

woodcarving and helping wherever he could;

WHEREAS, Mr. Bird was a longtime member of Saint James Episcopal Church, and

served in a wide range of roles for his church, including his active service on the vestry and

role as treasurer;

WHEREAS, Mr. Bird also worked on many community projects including the

reclamation of Springwood Burial Park.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and

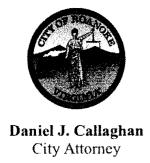
sorrow at the passing of Robert Harold Bird, and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Mr.

Bird's widow, Ann Duxbury Bird, of Blacksburg, Virginia.

ATTEST:

City Clerk



CITY OF ROANOKE

OFFICE OF THE CITY ATTORNEY

464 MUNICIPAL BUILDING 215 CHURCH AVENUE, SW ROANOKE, VIRGINIA 24011-1595

TELEPHONE 540-853-2431 FAX 540-853-1221 EMAIL: cityatty@roanokeva.gov Timothy R. Spencer Steven J. Talevi David L. Collins Heather P. Ferguson Laura M. Carini Assistant City Attorneys

October 8, 2015

The Honorable David Bowers, Mayor and Members of City Council Roanoke, Virginia

Re: Request Public Hearing for Vacation of Drainage Easement

Previously Dedicated to City Across Official Tax Map Nos. 5100534 and 5100535 in Support of the Gatewood Green

Development

Dear Mayor Bowers and Members of Council:

Background:

The City of Roanoke, Virginia, was previously dedicated an existing 15' storm drain easement across Official Tax Map Nos. 5100534 and 5100535, by plat on record in the Clerk of Circuit Court's Office for the City of Roanoke in Map Book 1, Page 1165. Gatewood Green, LLC ("Gatewood Green") currently owns these parcels, together with properties designated as Official Tax Map Nos. 5100528 and 5100527, all of which parcels are located at the intersection of Mcvitty Road, S.W., and Gatewood Ave. S.W., in the City of Roanoke. Gatewood Green is currently developing these parcels for medical office buildings and other commercial purposes, and has requested the City to vacate the existing 15' storm drain easement in order to accommodate the development.

In exchange for vacating the existing storm drain easement, a new 10' public drainage easement will be dedicated to the City across Official Tax Map No. 5100527, and a variable width private drainage easement across Official Tax Map No. 5100535 to be maintained by Gatewood Green will be created, to allow for stormwater drainage.

In order to vacate the existing 15' storm drain easement, City Council must hold a public hearing to consider this matter.

Recommended Action:

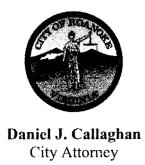
Authorize the scheduling and advertising of a public hearing on October 19, 2015, at 7:00 pm, or as soon thereafter as the matter may be heard, or at such later date and time as the City Manager may determine, for the vacation of an existing 15' storm drain easement across Official Tax Map Nos. 5100534 and 5100535, in order to accommodate the development of those parcels.

Sincerely,

Daniel J. Callagha

Christopher P. Morrill, City Manager
 R. Brian Townsend, Assistant City Manager
 for Community Development
 Sherman Stovall, Assistant City Manager
 for Operations
 Barbara Dameron, Director of Finance
 Troy D. Harmon, City Auditor
 Stephanie Moon Reynolds, City Clerk
 Robert Bengtson, Director of Public Works
 Mark Jamison, Manager of Transportation





CITY OF ROANOKE

OFFICE OF THE CITY ATTORNEY 464 MUNICIPAL BUILDING

464 MUNICIPAL BUILDING 215 CHURCH AVENUE, SW ROANOKE, VIRGINIA 24011-1595

TELEPHONE 540-853-2431 FAX 540-853-1221 EMAIL: cityatty@roanokeva.gov

Timothy R. Spencer Steven J. Talevi David L. Collins Heather P. Ferguson Laura M. Carini Assistant City Attorneys

October 8, 2015

The Honorable David Bowers, Mayor and Members of City Council Roanoke, Virginia

Re: Request Public Hearing for Conveyance of Easements across

Portions of City Owned Property Designated as Official Tax Map No. 2050402, 2050305, 2050306, and 2050307, to the Commonwealth of Virginia, Department of Transportation in

Support of the 10th Street Improvement Project

Dear Mayor Bowers and Members of Council:

Background:

By Ordinance No. 39890-031714, adopted on March 17, 2014, City Council authorized the conveyance of approximately 1.13 acres of City-owned property designated as portions of Official Tax Map Nos. 2050402 and 2050307, which area is a portion of Brown-Robertson Neighborhood Park to the Commonwealth of Virginia, Department of Transportation (VDOT), in exchange for approximately 0.289 acres of land to be conveyed to the City by VDOT located at 1522 10th Street, NW. This exchange of properties was to be made in connection with VDOT's Tenth Street Improvement Project ("Project").

Subsequently, VDOT revised its plans and sought to acquire approximately 0.556 acres of land, rather than 1.13 acres of land, that was a portion of Brown-Robertson Park. By Ordinance No. 40305-072015, adopted on July 20, 2015, City Council authorized the vacation of a 0.556 portion of Brown-Robertson Park as depicted on a plat prepared by VDOT. The VDOT plat depicted the area of City-owned land to be acquired by VDOT accurately. The VDOT misidentified one of the City-owned parcels as Official Tax Map. No. 2050307; in fact, the area affected were portions of Official Tax Map Nos. 2050307, 2050306, and 2050307. VDOT has since corrected its plat to properly identify the tax parcels. The actual area of City-owned property is unaffected by this error in references to tax map parcels.

The plats prepared by VDOT also depict a temporary construction easement encumbering approximately 0.775 acres of land located on portions of Official Tax Map No. 2050402, 2050305, 2050306, and 2050307, and a permanent drainage easement encumbering approximately 0.239 acres of land located on a portion of Official Tax Map No. 2050402.

Considerations:

In order to convey the temporary construction easement and the permanent drainage easement to VDOT, City Council must hold a public hearing to consider this matter. VDOT has requested the City to hold a public hearing in October, 2015, if feasible, so that VDOT can certify to the Federal Highway Administration that VDOT has all properties needed for the Project under its control and the Project can be advertised for bid and construction.

Recommended Action:

Authorize the scheduling and advertising of a public hearing on October 19, 2015, at 7:00 pm, or as soon thereafter as the matter may be heard, or at such later date and time as the City Manager may determine, for the conveyance to VDOT of a permanent drainage easement across a portion of certain City-owned property designated as Official Tax Map No. 2050402, and a temporary construction easement across portions of certain City-owned property designated as Official Tax Map No. 2050402, 2050305, 2050306, and 2050307.

Sincerely,

Daniel J. Callaghah City Attorney

c: Christopher P. Morrill, City Manager
 R. Brian Townsend, Assistant City Manager
 for Community Development
 Sherman Stovall, Assistant City Manager
 for Operations
 Barbara Dameron, Director of Finance
 Troy D. Harmon, City Auditor
 Stephanie Moon Reynolds, City Clerk
 Robert Bengtson, Director of Public Works
 Mark Jamison, Manager of Transportation



CITY COUNCIL AGENDA REPORT

To:

Honorable Mayor and Members of City Council

Meeting:

October 8, 2015

Subject:

State Criminal Alien Assistance Program (SCAAP)

Reimbursement Grant

Background:

The SCAAP is administered by the Bureau of Justice Assistance Office of Justice Programs in conjunction with the U.S. Department of Homeland Security. SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens who have at least one felony or two misdemeanor convictions for violations of state or local law. These guidelines apply to those individuals who were incarcerated for at least four consecutive days during the reporting period.

Considerations:

On September 23, 2015, the Sheriff's Office was awarded \$12,240 in grant funding. There is no required match for this program. In order to comply with grant requirements, all awarded funding will be used to partially fund the purchase of a new inmate transport vehicle. The new vehicle will replace an older model in the city fleet and shall be utilized to transport offenders.

Recommended Action:

Accept the SCAAP Reimbursement Grant described above and authorize the City Manager to execute the grant agreement and any related documents; such documents to be approved as to form by the City Attorney.

Adopt the accompanying budget ordinance to establish a revenue estimate in the amount of \$12,240 and to appropriate the same in an account to be established in the Grant Fund by the Director of Finance.

Timothy A. Allen

Sheriff

Distribution: Council Appointed Officers
Barbara A. Dameron, Director of Finance

Sherman Stovall, Assistant City Manager for Operations R. Brian Townsend, Assistant City Manager for Community

Development



CITY COUNCIL AGENDA REPORT

To:

Honorable Mayor and Members of City Council

Meeting:

October 8, 2015

Subject:

SCAAP Reimbursement Grant

I concur with the recommendation from Timothy A. Allen, Sheriff for the City of Roanoke, with respect to the subject referenced above. I recommend that City Council accept the State Criminal Alien Assistance Program (SCAAP) Reimbursement Grant and authorize the City Manager to execute the grant agreement and any related documents; such documents to be approved as to form by the City Attorney. I further recommend adopting the accompanying budget ordinance to establish a revenue estimate in the amount of \$12,240 and to appropriate the same in an account to be established in the Grant Fund by the Director of Finance.

Christopher P. Morrill

City Manager

Distribution: Council Appointed Officers

Halley

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing acceptance of the State Criminal Alien Assistance Program (SCAAP) Grant made to the City of Roanoke Sheriff's Department by the Bureau of Justice Assistance Office in conjunction with the U.S. Department of Homeland Security, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City Manager is hereby authorized on behalf of the City to accept the State Criminal Alien Assistance Program (SCAAP) Grant in the amount of \$12,240 to the Roanoke City Sheriff's Department to partially fund the purchase a new inmate transport vehicle. Such grant being more particularly described in the City Council Agenda Report dated October 8, 2015.
- 2. The Sheriff and the City Manager are hereby authorized to execute and file, on behalf of the City, any documents setting forth the conditions of the grant in a form approved by the City Attorney.
- 3. The Sheriff and the City Manager are further directed to furnish such additional information as may be required by the Bureau of Justice Assistance Office in connection with the acceptance of the foregoing grant.

ATTEST:

City Clerk.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Federal government for the State Criminal Alien Assistance Program (SCAAP), amending and reordaining certain sections of the 2015-2016 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2015-2016 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations
Vehicular Equipment
Revenues
SCAAP FY16

35-140-5921-9010 \$12,240

35-140-5921-5921

12,240

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY COUNCIL AGENDA REPORT

To:

Honorable Mayor and Members of City Council

Meeting:

October 8, 2015

Subject:

Authorizing Request for VDOT Revenue Sharing Program Funds

Background:

The Virginia Department of Transportation's (VDOT) Revenue Sharing Program is again available to cities for FY 2017. This program provides additional funding for use by the City to construct or improve its infrastructure systems. The maximum amount made available to localities is \$10 million for FY 2017. These funds are matching funds on a 50% State / 50% City basis.

Considerations:

For the FY 2017 application, the City will request \$10,000,000 from VDOT, which will require a City match of \$10,000,000. Staff identified ten projects for which to request VDOT revenue sharing program funds. These projects are:

- 1. 10th Street Road Widening Improvement (New Construction) \$1,000,000. City match will be provided by using VDOT Project match and the planned FY 2017 General Fund allocation for Street Paving.
- 2. Citywide Storm Drain Improvements \$2,620,000. City match funding will be provided by using \$1,620,000 from the City's planned FY 2017 capital project funds for the Neighborhood Storm Drain Program through the planned issuance of bonds and \$1,000,000 from the Stormwater Utility.
- 3. Colonial Avenue Improvements \$1,500,000. City match funding will be provided by using \$1,500,000 from capital project funds to be identified.
- 4. Citywide Curb, Gutter, and Sidewalk (New Construction) \$1,000,000. City match funding will be provided by using \$1,000,000 from the City's planned FY 2017 capital project funds for Curb, Gutter, and Sidewalk (New Construction) through the planned issuance of bonds.
- 5. Garden City Boulevard Trail from Riverland Road to 9th Street \$200,000. City match funding will be provided by using \$200,000 from the FY 2017 capital project funds for Greenways and Trails (New Construction) through the planned issuance of bonds.
- 6. Orange Avenue/King Street Intersection Improvements \$500,000. City match funding will be provided by using \$500,000 from the FY 2017 capital project funds for Streetscape Projects (New Construction) through the planned issuance of bonds.
- 7. Berkeley Bridge Replacement \$750,000. City match funding will be provided by using \$750,000 from the City's planned FY 2017 capital project

- funds for the replacement of City bridges through the planned issuance of bonds
- 8. Citywide Bridge Maintenance \$500,000. City match funding will be provided by using \$500,000 from the City's planned FY 2017 General Fund allocation for Bridge Maintenance.
- 9. Citywide Sidewalk Maintenance \$200,000. City match funding will be provided by using \$200,000 from the City's planned FY 2017 General Fund allocation for Sidewalk Maintenance.
- 10. Annual Citywide Street Paving Program (Resurfacing) \$1,730,000. City match funding will be provided by using \$1,730,000 from the City's planned FY 2017 General Fund allocation for Street Paving.

Recommended Action:

Authorize the City Manager to submit an application to VDOT for VDOT's Revenue Sharing Program requesting \$10,000,000 for the above-listed projects.

Authorize the City Manager to take such further actions and execute such documents, approved as to form by the City Attorney, as necessary to submit the above application and to furnish such additional information and/or documents as may be required for such application.

Christopher P. Morrill

City Manager

Distribution: Council Appointed Officers

Sherman M. Stovall, Assistant City Manager for Operations

Barbara Dameron, Director of Finance

Robert K. Bengtson, P.E., Director of Public Works

Philip C. Schirmer, P.E., L.S., City Engineer

Mark D. Jamison, P.E., PTOE, Transportation Division Manager

Dwayne D'Ardenne, Stormwater Manager



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION supporting an application and authorizing the City Manager to submit such application to the Virginia Department of Transportation (VDOT) for funds from VDOT's Revenue Sharing Program in the amount of \$10,000,000 for FY 2017 for certain projects; and authorizing the City Manager to take certain actions in connection with such projects.

WHEREAS, the City of Roanoke desires to submit an application for an allocation of funds up to \$10,000,000 for any funds provided by VDOT for the projects referred to in the City Council Agenda Report dated October 8, 2015, to this Council, and which will require the City to provide matching funds of \$10,000,000.

THEREFORE, BE IT RESOLVED BY THE Council of the City of Roanoke that:

- 1. The City Council hereby supports the application referred to herein and hereby authorizes the City Manager to submit such application to VDOT for funds from VDOT's Revenue Sharing Program for FY 2017 in the amount of \$10,000,000 for the following ten projects:
 - a. 10th Street Road Widening Improvement (New Construction).
 - b. Citywide Storm Drain Improvements.
 - c. Colonial Avenue Improvements.
 - d. Citywide Curb, Gutter, and Sidewalk (New Construction).
 - e. Garden City Boulevard Trail from Riverland Road to 9th Street.
 - f. Orange Avenue/King Street Intersection Improvements.

- g. Berkeley Bridge Replacement.
- h. Citywide Bridge Maintenance.
- i. Citywide Sidewalk Maintenance.
- j. Annual Citywide Street Paving Program (Resurfacing).
- 2. The City Manager is further authorized to take such further actions and execute such further documents, approved as to form by the City Attorney, as may be necessary to submit the above application and to furnish such additional information as may be required for such application.

ATTEST:

City Clerk

R-VDOT - Authorize Request VDOT Revenue Sharing Program funds FY2017



CITY COUNCIL AGENDA REPORT

Honorable Mayor and Members of City Council To:

October 8, 2015 Meeting:

Appropriation of Electronic Summons Funds Subject:

Background:

The 2014 session of the General Assembly enacted section 17.1-279.1, Code of Virginia (1950), as amended, to authorize localities to collect an assessment on all traffic and criminal offenses to support the implementation and upkeep costs of electronic summons systems. The Council of the City of Roanoke adopted a \$5.00 electronic summons assessment on traffic and criminal offenses that was effective on September 1, 2014 in the City of Roanoke.

The assessment has been collected by the clerk of the court in which the action was filed, remitted to the Treasurer of the City of Roanoke and held by the Treasurer subject to appropriation by Council. As of August 31, 2015, the sum of \$58,531.19 has been collected. The appropriation of these funds will be used solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

Electronic summons systems have the potential of improving efficiency by significantly reducing the time that officers remain on traffic stops, reducing the time that police support technicians spend entering data into the police records management system, and reducing the time spent by the Clerk of the Court staff spend entering data from summons into the court information system. Electronic summons systems additionally can reduce errors and provide an environmentally friendly alternative to paper creation and retention.

The Roanoke Police Department is requesting the appropriation of \$55,000 so it can commence with the Request for Proposal process and, subsequently, implement an electronic summons system.

Recommended Action:

Adopt the accompanying budget ordinance to appropriate funding in the amount of \$55,000 consisting of \$50,000 for Other Equipment and \$5,000 in Project Supplies from the Electronic Summons System Court Fees revenue account 35-640-3415-3415 into an account to be established by the Director of Finance in the Grant Fund.

Christopher P. Morrill

City Manager

Distribution: The Honorable Evelyn Powers, Roanoke City Treasurer

Council Appointed Officers

R. Brian Townsend, Assistant City Manager for Community Development

Barbara A. Dameron, Director of Finance Christopher C. Perkins, Chief of Police

Amelia C. Merchant, Director of Management and Budget



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Electronic Summons System Court Fees revenues as enacted by the General Assembly in section 17.1-279.1 of the Code of Virginia (1950), amending and reordaining certain sections of the 2015-2016 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2015-2016 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

| Appropriations | | |
|--------------------------------------|------------------|----------|
| Project Supplies | 35-640-3415-3005 | \$ 5,000 |
| Other Equipment | 35-640-3415-9015 | 50,000 |
| Revenues | | |
| Flectronic Summons System Court Fees | 35-640-3415-3415 | 55 000 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY COUNCIL AGENDA REPORT

To:

Honorable Mayor and Members of City Council

Meeting:

October 8, 2015

Subject:

Amendment No. 1 to Contract for Purchase and Sale of Real Property Dated February 28, 2014 Between the City of Roanoke,

Virginia and Northwest Recreation Club, Inc.

Background:

The City of Roanoke, as part of the implementation of the <u>Countryside Master Plan</u>, as amended, adopted by City Council on September 17, 2012, entered into a Contract for Purchase and Sale of Real Property, dated February 28, 2014 (Contract) authorized by Ordinance No. 39868-021814, adopted by City Council on February 18, 2014 with the Northwest Recreation Club, Inc. (Buyer) regarding a site not to exceed 3.60 acres which included a former tennis facility building, fronting along Highland Farm Road, N.W.. The Contract contained a number of performance obligations and conditions imposed on the Buyer including the completion of all proposed improvements for the Buyer's contemplated use of the property within 450 days after the real estate closing date. By an agreement dated June 27, 2014, Buyer assigned all of its rights and obligations under the Contract to Countryside Sportsplex, Inc. (Countryside), as permitted under the Contract.

Upon Countryside meeting certain fund raising, financing, and due diligence obligations required under the Contract, including Countryside's completion of a subdivision plat which confirmed the property's size at 3.589 acres, the City, by execution of a Special Warranty Deed, conveyed the property to Countryside on July, 30, 2014. Following the closing, Countryside proceeded to undertake initial pre-construction and design activities related to the property as required by the Contract including obtaining permits for environmental testing, interior demolition of the former tennis building, and related activities at the site prior to November 30, 2014.

Countryside, however, has since encountered several delays in the project's development related to specific and unanticipated matters associated with stormwater runoff from the site, connections to off-site stormwater facilities, and coordination of development and construction activities with those currently underway on an adjacent site. While all of these issues were rectified by the end of June, 2015, these delays have resulted in Countryside not being able to complete the project within the Contract's specified 450 days from the July 30, 2014 closing date (October 23, 2015). Countryside has requested that the Contract be amended to change the project substantial completion date to July 29, 2016.

Considerations:

With the proposed execution of Contract Amendment No. 1, the remaining performance-based obligations which Countryside will be bound to perform as summarized below will not be affected:

- Upon substantial completion of the project, to provide to the City's Parks and Recreation Department exclusive access and use of two indoor multipurpose courts, at no cost to the City, during the months of November through February, inclusive, on Saturdays from 9:00am 2:00pm.
- Based upon mutually agreeable terms as contained in the Contract, the City shall continue such exclusive use of the two multi-purpose courts as outlined above until the value of such use by the City reaches the sum of \$52,000. Based on the terms of use contained in the Contract, it is estimated that it would take approximately six and one-half (6.5) utilization seasons to exhaust the \$52,000 value. (The \$52,000 amount equates approximately to the assessed value of the land when it was proposed to be conveyed.)
- As security for Countryside's compliance with the terms and conditions of the Contract, Countryside provided previously a form of security to the City upon execution of the Contract in the amount of \$52,000. Such security would be forfeited to the City, in whole or in part, if Countryside does not completely and satisfactorily perform the obligations of the Contract.

Ensuring the completion of this project will not only further the general intent of the <u>Countryside Master Plan</u>, but also provide the City's Park and Recreation Department needed access to indoor facilities for its recreational programs, and help further define a critical mass of recreational opportunities for both individuals and team sports in this part of Roanoke.

Proposed Amendment No. 1 is attached to this report for City Council's review and information.

Recommended Action:

Authorize the City Manager to execute Amendment No. 1 to the Contract for Purchase and Sale of Real Property, substantially similar in form to such Amendment No. 1 which is attached to this report. Such Amendment No. 1 is to be approved as to form by the City Attorney.

Authorize the City Manager to execute such further documents and take such further actions as may be necessary to accomplish the above matter, with the form of any such documents to be approved by the City Attorney, and to implement, administer, and enforce the above-mentioned Contract, as amended, and any subsequent documents.

Christopher P. Morrill

City Manager

Attachment

Distribution: Council Appointed Officers

Brian Townsend, Assistant City Manager for Community Development Christopher Chittum, Director, Planning Building and Development Steven Buschor, Director, Parks and Recreation

AMENDMENT NO. 1 TO CONTRACT FOR PURCHASE AND SALE OF REAL PROPERTY DATED FEBRUARY 28, 2014, BETWEEN CITY OF ROANOKE, VIRGINIA AND NORTHWEST RECREATION CLUB, INC.

This Amendment No. 1 to Contract for Purchase and Sale of Real Property dated February 28, 2014, between the City of Roanoke, Virginia ("Seller" or "City") and Northwest Recreation Club, Inc., a Virginia non-stock corporation ("Buyer") (Amendment No. 1) is made as of this ____ day of October, 2015, by and between Seller and Countryside Sportsplex, Inc., a Virginia non-stock corporation ("Countryside").

RECITALS

WHEREAS, Seller and Buyer entered into a Contract for Purchase and Sale of Real Property dated February 28, 2014, following adoption of Ordinance No. 39868-021814 by Roanoke City Council on February 18, 2014 (Contract), pursuant to which Contract Seller agreed to sell to Buyer, and Buyer agreed to acquire, certain real property, together with improvements thereon, consisting of approximately 3.34 acres of land, not to exceed 3.60 acres, fronting along Highland Farm Road, in Roanoke, Virginia, and being a portion of property of Seller bearing Official Tax Map No. 642302 (Property);

WHEREAS, the Contract included certain conditions and performance obligations imposed on Buyer, including substantial completion of all improvements for Buyer's Contemplated Use of the Property within 450 Days after the Closing Date;

WHEREAS, the Buyer completed a subdivision plat to subdivide the Property from the parcel bearing Official Tax Map No. 6472302;

WHEREAS, the Property bears Official Tax Map No. 6472303, consisting of 3.5890 acres of land;

WHEREAS, pursuant to an Assignment of Contract dated June 27, 2014, Buyer assigned its rights to purchase the Property to Countryside, and Countryside assumed all of Buyer's obligations and duties under the Contract, the Seller having consented to such assignment;

WHEREAS, Seller executed a special warranty deed on July 30, 2014, to convey the Property to Countryside, subject to the Terms of the Contract, and Countryside recorded the Deed in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia as Instrument No. 140007392 (Deed);

WHEREAS, a copy of the Contract is attached to the Deed as Exhibit A:

WHEREAS, following the closing, Countryside encountered several delays in commencing work at the Property including many issues presented by drainage issues at the Property;

WHEREAS, Countryside has requested amendments to the Contract to extend the date by which all improvements must be substantially complete from (i) 450 days after closing (October 23, 2015), to (ii) on or before July 29, 2016; and

WHEREAS, Seller is willing to amend the Contract with respect to performance of this condition, subject to approval by Roanoke City Council.

NOW, THEREFORE, based on the mutual promises and covenants contained herein, other good and valuable consideration, and the Recitals set forth herein which are a material part of this Amendment No. 1, Seller and Countryside hereby agree to amend the Contract as follows:

1. Amendments to Contract.

The following sections of the Contract are hereby amended:

(a) The definition of Project is hereby deleted and the following inserted in its place:

Project: This term means and includes the structural stabilization, interior demotion, construction and renovation work to be done by Buyer on or before July 29, 2016, as well as any related and/or connected work that may be required and/or done on any part of the Property to result in Buyer's Contemplated Use of the Property, all in accordance with the terms and provisions of the Contract.

(b) Section 4.B.3 of the Contract is amended by deleting the phrase "within four hundred fifty (450) Days after the Closing Date" wherever it appears in Section 4.B.3 of the Contract and inserting the following phrase in its place: "on or before July 29, 2016."

2. Effect of Amendment No. 1.

Except as amended by Amendment No. 1, the Contract remains in full force and effect in accordance with its terms and provisions, the Contract, as amended by Amendment No. 1, constitutes the entire agreement by Seller, Buyer, and Countryside with respect to the Contract. This Amendment No. 1 is made pursuant to Section 32 of the Contract.

3. Recording of Amendment.

Countryside shall, at its sole cost and expense, record a copy of this Amendment No. 1 and an attested copy of the ordinance adopted by Roanoke City Council authorizing the City Manager to execute, deliver, and perform this Amendment No. 1 with the Clerk's Office of the Circuit Court of City of Roanoke, Virginia. Countryside shall request that a copy of this Amendment No. 1 and the attached copy of the ordinance be indexed with Seller as Grantor and Countryside as Grantee and refer to the Deed.

4. <u>Authorization</u>.

The persons who have executed this Amendment No. 1 on behalf of the parties represent and warrant that they are duly authorized to execute this Amendment No. 1 on behalf of their respective entity.

IN WITNESS WHEREOF, Seller and Countryside have executed this Amendment No. 1 by their authorized representatives.

| ATTEST: | CITY OF ROANOKE, VIRGINIA |
|---|---|
| City Clerk | By:Christopher P. Morrill, City Manager |
| COMMONWEALTH OF VIRGIN CITY OF ROANOKE, to-wit: | IA |
| The foregoing instrument was ack Christopher P. Morrill, City Mana corporation, for and on behalf of sa | nowledged before me thisday of, 2015, by ager for the City of Roanoke, Virginia, a Virginia municipal id municipal corporation. |
| My commission expires: | |
| | Notary Public |
| | SEAL |
| WITNESS/ATTEST: | COUNTRYSIDE SPORTSPLEX, INC. |
| | By:Clay L. Dawson, President |
| COMMONWEALTH OF VIRGIN CITY OF ROANOKE, to-wit: | IA |
| The foregoing instrument was ackr L. Dawson, President of Countrysi on behalf of such entity. | nowledged before me thisday of, 2015, by Clayde Sportsplex, Inc., a Virginia non-stock corporation, for and |
| My commission expires: | |
| | Notary Public |

| Approved as to Form: | Approved as to Execution: |
|----------------------------|---------------------------|
| Assistant City Attorney | Assistant City Attorney |
| Authorized by Ordinance No | · |



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE approving certain changes and modifications to the Contract for Purchase and Sale of Real Property dated February 28, 2014, by and between the City of Roanoke, Virginia, and Northwest Recreation Club, Inc. ("Contract"), and under the terms of the Contract, Northwest Recreation Club, Inc. assigned its rights and obligations as buyer to Countryside Sportsplex, Inc. ("Countryside"), to extend the time Countryside has to meet certain performance obligations and conditions imposed on Countryside under the terms of the Contract; authorizing the City Manager to execute Amendment No. 1 to the Contract to provide for such extension of time; and dispensing with the second reading of this Ordinance by title.

WHEREAS, the City, as seller, and Northwest Recreation Club, Inc., as buyer ("Buyer") entered into the Contract for the sale of certain City-owned property fronting along Highland Farm Road, N.W., Roanoke, Virginia, not to exceed the amount of 3.60 acres, which property included a former tennis facility building ("Property"), as authorized by Ordinance No. 39868-021814, adopted by City Council on February 18, 2014;

WHEREAS, the Contract provided that all proposed improvements for the Buyer's contemplated use of the Property would be completed within 450 days after the real estate closing date;

WHEREAS, by Agreement dated June 27, 2014, the Buyer assigned all of its rights and obligations under the Contract to Countryside;

WHEREAS, the City and Countryside closed the Property on July 30, 2014;

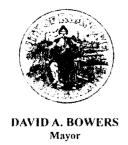
WHEREAS, Countryside, has informed the City that it has encountered several delays in completing the proposed improvements on the Property pursuant to the terms of the Contract as a result of many issues it has encountered, including drainage issues at the Property, and has requested that the City amend the Contract to extend the time Countryside has to complete the performance obligations and conditions under the terms of the Contract, including completing the proposed improvements on the Property, from 450 days after the closing date until a date no later than July 29, 2016; and

WHEREAS, City staff recommends that City Council authorize such Amendment No. 1.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

- 1. City Council hereby approves the changes and modifications to the Contract to extend the time Countryside has to complete the performance obligations and conditions under the Contract, including completing the proposed improvements on the Property, from 450 days after the closing date until on or before than July 29, 2016; upon such other terms as more fully described in the City Council Agenda Report dated October 8, 2015, to this Council, and the proposed Amendment No. 1, which is an attachment to such Report.
- 2. The City Manager is hereby authorized to execute Amendment No. 1 to the Contract, substantially similar to Amendment No.1 attached to the City Council Agenda Report dated October 8, 2015, to provide for such extension of time, and to take such additional actions as may be necessary to provide for the implementation, administration, and enforcement of Amendment No. 1. All documents shall be upon form approved by the City Attorney.

| 3 | Pursuant to the provisions of Section 12 of the City Charter, the second | |
|---|--|--|
| reading of this Ordinance by title is hereby dispensed with. | | |
| | ATTEST: | |
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| | City Clerk. | |
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| O-Amendment No. 1 to Northwest Recreation Club Contract.10-8-15 | | |
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CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W. Noel C. Taylor Municipal Building, Suite 456 Roanoke, Virginia 24011-1536 Telephone: (540) 853-2541 Fax: (540) 853-1145

Council Members
William D. Bestpitch
Raphael E. "Ray" Ferris
Sherman P. Lea
Anita J. Price
Court G. Rosen
David B. Trinkle

October 8, 2015

The Honorable David Bowers, Mayor and Members of City Council Roanoke, Virginia

Re: Report from Task Force on City Code Amendments Affecting Director

of Finance

Dear Mayor Bowers and Members of Council:

The General Assembly adopted Chapter 347, Laws of 2015, to amend the Roanoke City Charter to allow the City Manager to appoint the Director of Finance, among other things, effective July 1, 2015 (Charter Amendment), a copy of which Charter Amendment is attached to this report as Exhibit A. The Charter Amendment removed some of the specific duties assigned to the Director of Finance and reserved to City Council the authority to designate such additional duties to the Director of Finance by the adoption of ordinances.

On June 15, 2015, Council adopted Ordinance No. 40272-061515 to amend 3 sections of City Code with respect to the position of Director of Finance (Section 2-233 (appointment), Section 2-235 (general duties), and Section 22.3-2 (removed reference of director of finance from the definition of council appointed officials)). Council also adopted Resolution No. 40273-061515 to create a task force to review the City Code and suggest revisions of City Code as a result of the Charter Amendment. The members of this task force are the City Manager or his designee, the Director of Finance or her designee, the City Attorney or his designee, and me. The task force is to report to Council with recommendations by November 1, 2015.

The task force met on September 10, 2015 to review the current City Code to determine what provisions of City Code need to be amended as a result of the Charter changes affecting the position of the Director of Finance. The task force determined that City Council should designate certain additional duties and responsibilities of the Director of Finance. We have prepared an ordinance to amend certain sections of City Code to (1)

designate in City Code certain additional responsibilities of the Director of Finance to the City; and (2) make City Code consistent with the Director of Finance being a City Manager appointed position.

The ordinance amends four sections of City Code. These amendments implement the changes in the Charter related to the appointment of the Director of Finance and designates duties of the Director of Finance, as permitted under the City Charter.

I request that Council adopt the proposed ordinance to make certain amendments to City Code relative to the position of the Director of Finance. The task force will meet again to further review other provisions of City Code and make further recommendations to Council for consideration at the regular session of Council on November 2, 2015.

Sincerely,

Raphael E. Ferris Member of Council Chair of Task Force

Laplan E. Jerris

REF/lmc

Christopher P. Morrill, City Manager
R. Brian Townsend, Assistant City Manager
for Community Development
Sherman Stovall, Assistant City Manager
for Operations
Barbara Dameron, Director of Finance
Troy D. Harmon, City Auditor
Stephanie Moon Reynolds, City Clerk
Daniel J. Callaghan, City Attorney



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Section 2-176, Report of violations of sections 2-171 – 2-175; copy of such sections to be filed with depositories, Article VIII, Finance Generally, Chapter 2, Administration, Code of the City of Roanoke (1979), as amended; Section 2-234, Deputy and assistants, Section 2-235, General duties, and Section 2-239, Authority to establish petty cash and change funds, Article XI, Director of Finance, Chapter 2, Administration, Code of the City of Roanoke (1979), as amended; providing for an effective date; and dispensing with the second reading of this Ordinance by title.

WHEREAS, pursuant to Chapter 347, Laws of Virginia (2015), effective July 1, 2015, the City Manager is designated as the person to appoint the Director of Finance under the Charter of the City of Roanoke; and

WHEREAS, certain provisions of the Code of the City of Roanoke (1979), as amended, require amendment to conform to the changes enacted pursuant to Chapter 347.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 2-176, Report of violations of sections 2-171 – 2-175; copy of such sections to be filed with depositories, Article VIII, Finance Generally, Chapter 2, Administration, Code of the City of Roanoke (1979), as amended, is amended and reordained to read and provide as follows:

Sec. 2-176. Report of violations of sections 2-171 - 2-175; copy of such sections to be filed with depositories.

The director of finance shall report to the city manager and the council, at each of its regular meetings, any failure on the part of any officer or employee of the city to observe the provisions of sections 2-171 through 2-175. A copy of such sections shall be filed with each of the city's depositories.

2. Section 2-234, <u>Deputy and assistants</u>, Section 2-235, <u>General duties</u>, and Section 2-239, <u>Authority to establish petty cash and change funds</u>, Article XI, <u>Director of Finance</u>, Chapter 2, <u>Administration</u>, Code of the City of Roanoke (1979), as amended, are amended and reordained to read and provide as follows:

Sec. 2-234, Deputy and assistants Reserved.

The director of finance is authorized to appoint a deputy director of finance and such assistants as may be necessary, within the limitation of funds provided for such purpose by the council. Any of the duties of the director of finance may be performed by the deputy director of finance or other designee of the director.

Sec. 2-235, General duties.

The duties of the director of finance shall be as defined and set out in section 25.1 of the Charter and such other duties as may be provided by the council, and as follows:

- a) The director of finance shall maintain control of the keeping of all accounts and financial records of the city, in accordance with generally accepted principles of accounting, wherein shall be stated, among other things, the appropriations for the year for each distinct object and branch of expenditures, and also the receipts from each and every source of revenue, so far as it can be ascertained. All such accounts and financial records shall be public records, and shall be subject to the examination of members of the city council or other person or persons required by order of the city manager or ordinance of the council to make such examination.
- b) The director of finance shall have the power to and shall examine and audit all accounts, claims, and demands for or against the city; and, unless otherwise provided by law or by this charter, no money shall be drawn from the treasury or be paid by the city to any person unless the balance due and payable by the city be first settled and adjusted by the director of finance.
- c) The director of finance shall draw a check on the treasury for such money as is determined by the director to be due and payable to any person, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the check of the director of finance as aforesaid, countersigned by the city manager. The director of finance is forbidden to issue a check for the payment of any money in excess of the appropriation on account of which such money is drawn.

- d) It shall be the duty of the director of finance to charge all officers in receipt of revenues or moneys of the city with the whole amount, from time to time, of such receipts. The director shall also require of all officers in receipt of city moneys that they submit reports thereof, with vouchers and receipts of payment therefor into the city treasury, daily, weekly or monthly, or at such times as may be otherwise provided by ordinance of the council; and if any such officer shall neglect to make adjustment of his or her accounts, when required, and to pay over such moneys as received, it shall then be the duty of the director of finance to issue notice in writing, directed to such officer and such officer's surety or sureties, requiring him, her, or them within ten days to make settlement of his, her, or their accounts with the director of finance, and to pay over the balance of moneys found to be due and in his, her, or their hands belonging to the city, according to the books of the director of finance; and in case of the refusal or neglect of such officer to adjust his or her accounts or to pay over such balance into the treasury of the city, as required, it shall be the duty of the director of finance to make report of the delinquency of such officer to the council, the city manager, the municipal auditor, and the city attorney. For good cause appearing, the city attorney shall at once take action to have such officer suspended from office, and shall proceed forthwith to institute the necessary proceedings for the removal of such officer from office, and shall institute suit in the name of the city against such officer and his or her surety or sureties to recover the balance of moneys so found by the director of finance to be due belonging to the city.
- e) No contract, agreement, or other obligation involving the expenditure of money shall be entered into nor shall any ordinance of the council or order of any officer of the city authorizing the city's obligation for expenditure of money be effective until and unless the director of finance shall have certified that the money required for such contract, agreement, obligation, or expenditure is in the city treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certification may be endorsed on or recited in such ordinance, endorsed upon the contract, agreement, or other instrument creating such obligation or upon such order, or may be contained in separate certification filed and preserved in the office of the city clerk; provided, however, that requirement of such certification shall not be applicable to the city's execution or issuance of bonds or notes under §§47, 48, and 49 of the city charter. The sum so certified shall not thereafter be considered unencumbered, until the city is discharged from the contract, agreement, or obligation.
- f) For the purpose of the certification required in subsection (e) of this section, all moneys actually in the treasury to the credit of the fund from which they are to be drawn and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation from taxes, assessments, license fees, or from sales of property or of services, products, or by-products of any city undertaking and all moneys to be derived from lawfully authorized bonds or from other sources, shall be deemed in the treasury to the credit of the appropriate fund and subject to such certification.
- g) The director of finance shall have all of the duties, responsibilities, powers, and authority heretofore imposed upon or lodged in the city auditor by the Charter or by

the ordinances and resolutions of the council heretofore or hereafter adopted prior to the city manager's appointment of a director of finance.

Sec. 2-239 – Authority to establish petty cash and change funds.

* * *

(b) The director of finance, with the written concurrence of the eity manager and municipal auditor, shall promulgate rules and regulations for the establishment, operation, accountability and security of the various petty cash and change funds of the city.

* * *

- 3. This Ordinance shall become effective upon passage.
- 4. Pursuant to Section 12, Roanoke City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.